

Board of Education Agenda Item

Item: _____ M. _____

Date: _____ February 28, 2007 _____

Topic: First Review by the Virginia Board of Education to Ratify and Appoint the School Division Superintendent in Franklin City Schools Pursuant to Sections 22.1- 60 and 22.1-61 of the Code of Virginia

Presenter: Dr. Mark E. Emblidge, President of the Board of Education

Telephone Number: _____ **E-Mail Address:** _____

Origin:

_____ Topic presented for information only (no board action required)

X Board review required by
 X State or federal law or regulation
 _____ Board of Education regulation
 _____ Other: _____

X Action requested at this meeting _____ Action requested at future meeting: _____ (date)

Previous Review/Action:

X No previous board review/action

_____ Previous review/action
 date _____
 action _____

Background Information:

The *Code of Virginia* provides the following requirements in the appointment of a division superintendent by the Virginia Board of Education in the event a school board fails to appoint within the time prescribed.

§ 22.1-60. Appointment and term of superintendent; certain contractual matters.

- A. The division superintendent of schools shall be appointed by the school board of the division from the entire list of eligibles certified by the State Board. All contract terms for superintendents shall expire on June 30. The division superintendent shall serve for an initial term of not less than two years nor more than four years. At the expiration of the initial term, the division superintendent shall be eligible to hold office for the term specified by the employing school board, not to exceed four years.

§ 22.1-60. Appointment and term of superintendent; certain contractual matters (continued)

The division superintendent shall be appointed by the school board within 180 days after a vacancy occurs. In the event a school board appoints a division superintendent in accordance with the provisions of this section and the appointee seeks and is granted release from such appointment prior to assuming office, the school board shall be granted a 60-day period from the time of release within which to make another appointment.

A school board that has not appointed a superintendent within 120 days of a vacancy shall submit a written report to the Superintendent of Public Instruction demonstrating its timely efforts to make an appointment.

- B. No school board shall renegotiate a superintendent's contract during the period following the election or appointment of new members and the date such members are qualified and assume office.
- C. Whenever a superintendent's contract is being renegotiated, all members of the school board shall be notified at least 30 days in advance of any meeting at which a vote is planned on the renegotiated contract unless the members agree unanimously to take the vote without the 30 days notice. Each member's vote on the renegotiated contract shall be recorded in the minutes of the meeting.

(Code 1950, §§ 22-32, 22-33; 1954, c. 638; 1958, c. 44; 1970, c. 155; 1971, Ex. Sess., c. 225; 1972, c. 434; 1980, c. 559; 1983, c. 145; 1989, c. 550; 1992, c. 164; 1996, c. 759; 2002, cc. 165, 374; 2003, c. 866.)

§ 22.1-61. When Board to appoint superintendent.

In the event that a school board fails to appoint a division superintendent within the time prescribed by § [22.1-60](#), the State Board shall appoint such division superintendent.

(Code 1950, § 22-33; 1954, c. 638; 1972, c. 434; 1980, c. 559.)

Attached is the procedure for appointment of a school division superintendent by the Virginia Board of Education.

Summary of Major Elements:

The Franklin City School superintendent position became vacant on August 16, 2006. The Board of Education is requested to ratify and appoint the school board's recommendation for division superintendent.

Superintendent's Recommendation: N/A

Impact on Resources: N/A

Timetable for Further Review/Action: N/A

**Virginia Board of Education
Commonwealth of Virginia
P. O. Box 2120
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**Procedure for Appointment of a
School Division Superintendent by the Virginia Board of Education**

Approved by the Virginia Board of Education on March 22, 2006

In the event that a school board fails to appoint a division superintendent within the time prescribed by Sections 22.1-60 and 22.1-61 of the *Code of Virginia*, the Virginia Board of Education shall appoint the division superintendent. The procedures for the appointment of such division superintendent by the Virginia Board of Education shall be as follows:

1. An individual appointed as a division superintendent must hold a valid division superintendent license issued by the Virginia Board of Education prior to the appointment.
2. The Virginia Board of Education shall appoint the division superintendent if the school board has not appointed the division superintendent within 180 (calendar) days after a vacancy occurs. However, in the event a school board appoints a division superintendent in accordance with the provisions of Section 22.1-60 of the *Code of Virginia* and the appointee seeks and is granted release from such appointment prior to assuming office, the school board shall be granted a 60-day period (calendar days) from the time of release within which to make another appointment.
3. A school board that has not appointed a superintendent within 120 (calendar) days of a vacancy shall submit a written report, containing at least a status report with a timeline for making the appointment prior to 180 (calendar) days, to the Superintendent of Public Instruction demonstrating its timely efforts to make an appointment.
4. The school board immediately shall notify the Virginia Board of Education, in writing, of its failure to appoint a division superintendent within the time prescribed by Section 22.1-60 of the *Code of Virginia*. Within 30 calendar days after the time prescribed by Section 22.1-60 of the *Code of Virginia* for the local school board to appoint the division superintendent, the school board must submit in writing its preferred candidate(s), not to exceed three, for the division superintendent position. The Virginia Board of Education may consider these candidates and other eligible individuals. The Virginia Board of Education may authorize the State Superintendent of Public Instruction to conduct the search for a division superintendent.
5. The Virginia Board of Education shall appoint a division superintendent, and the contract for the superintendent shall be negotiated by the school board.